

**INTERIM ~~DISABLED~~ ACCESSIBILITY GUIDELINES FOR
ELECTRICAL VEHICLE CHARGING STATIONS****97-03**Reference: 2001 California Building Code Sections 101.17.11, 1118B, 1127B.1, 1129B,
1134B.2 & 1134B.2.1Effective 4-30-97
Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~In state funded projects with electrical vehicle, charging stations must be accessible. Electric Vehicles are being slowly introduced to the consumer market over the next three years as a result of an agreement between auto makers and the State of California. The zero emission vehicles as well as the equipment to charge them are continuing to develop and change at a rapid pace. Yet to successfully serve new electric vehicle customers, public charging is essential. Public charging sites that are developed now are likely to see significant technology changes before electric vehicles are fully commercialized. Based on a rule adopted by the California Air Resources Board, beginning in 2003, 10% of vehicles sold in California must be zero emission.~~

~~Public charging stations will be installed in public places such as shopping centers, parking lots and garages of companies or municipalities. They are provided as a convenient charging location for Electric Vehicle owners while they work or shop. Full charging of an Electric Vehicle takes between two to three hours.~~

Resolution: ~~Representatives of the Division of State Architect, California Electric Transportation Coalition, Edison EV, The California Building Officials, Department of Rehabilitation and members of the disabled community have held meetings for the purpose of developing interim guidelines to address the issue of disabled access to these charging stations. The following guidelines have been developed and agreed upon by the these organizations:~~

~~ARE EV CHARGING STATIONS REQUIRED TO BE ACCESSIBLE?~~

~~Yes. EV Charging Stations are required to be accessible because they offer a service to the general public. When EV charging is coupled with regular parking, the EV charging is considered the primary service. (See Item V for further discussions.)~~

~~WHAT PERCENTAGE OF THE EV CHARGING STATIONS MUST BE MADE ACCESSIBLE?~~

~~The following table shall be used to determine the required number of accessible charging stations:~~

# of charging stations provided at a site	# of accessible charging stations required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

~~WHAT SPECIFICATIONS MUST THE ACCESSIBLE EV CHARGING STATION COMPLY WITH?~~

- ~~a. A 9 foot wide by 18 feet deep space is required. An access aisle of 5 feet on the passenger side is required. One in every eight accessible charging stations, but not less than one, shall be van-accessible with an 8 foot access aisle.~~
- ~~b. The accessible EV charging station and its access aisle need not be striped or provided with signage as required for an accessible parking space. An information sign must be posted which reads, "Parking for EV Charging Only; This Space Designed for Disabled Access; Use Last."~~

~~MUST ACCESSIBLE EV CHARGING STATIONS BE RESERVED EXCLUSIVELY FOR THE USE OF PERSONS WITH DISABILITIES?~~

~~No. The primary function of these stations is the charging of Electric Vehicles. Parking is not intended to be the primary use of the charging station.~~

~~ARE THERE ANY RESTRICTIONS RELATIVE TO THE LOCATION OF THE ACCESSIBLE EV CHARGING STATIONS?~~

~~For installations associated with new construction, the accessible charging station must be located in close proximity to a major facility, public way or a major path of travel on the site. Note: 200 feet is the maximum distance recommended. However, the charging stations need not be provided immediately adjacent to the major facilities since, again, the primary purpose of the stations is to provide the charging as a service, and parking is not intended to be the primary use of the stations.~~

~~For installations at existing sites, the accessible charging station need not be located in close proximity to other services at the site.~~

~~IS AN ACCESSIBLE PATH OF TRAVEL REQUIRED FROM THE ACCESSIBLE EV CHARGING STATION TO OTHER SERVICES PROVIDED AT THE SITE?~~

~~Yes, for installations associated with new construction. As for other facilities on the site, an accessible path of travel is required between facilities.~~

~~For installation at an existing site, an accessible path of travel is required to the extent that the cost of providing such path does not exceed 20% of the cost of the EV equipment and installation of all EV charging stations at the site, when such valuation does not exceed the threshold amount referenced in Exception 1 of Section 1134 of Title 24. The accessible path of travel shall connect to a major facility, public way or major path of travel on the site.~~

~~WHAT SPECIFICATIONS MUST THE CHARGING EQUIPMENT MEET?~~

~~The charging equipment must meet all applicable reach range provisions of Section 1118B of Title 24. A clear path of travel measuring 36 inches in clear width to the charging equipment is required.~~

~~DOES THE INSTALLATION OF CHARGING STATIONS AT AN EXISTING SITE TRIGGER PATH OF TRAVEL IMPROVEMENTS SUCH AS PRIMARY ENTRANCE TO OTHER FACILITIES, RESTROOMS, TELEPHONES, OR DRINKING FOUNTAINS?~~

~~No, unless the above features located in the parking lot are accessed directly from the parking lot and designed for use with the parking lot.~~

~~HOW DOES THE THREE-YEAR VALUATION ACCUMULATION APPLY TO THESE INSTALLATIONS?~~

~~The valuation of other improvements at the site over the last three years need not be added to the cost of the installation to determine application of the exception referenced in item VI above. The cost of installation of other EV charging stations at the site over a three-year period must be used in determining compliance with the exception.~~

Issue: Electric vehicles (EV) have been introduced to the consumer market as a result of an agreement between vehicle manufacturers and the State of California. These electric vehicles, as well as the equipment to charge them, are continuing to develop and change at a rapid pace. Significant technological changes are affecting existing public charging sites. However, to successfully serve electric vehicle users, access to public charging stations by persons with disabilities is essential.

Resolution: At buildings and facilities under DSA jurisdiction, accessibility at EV charging stations for persons with disabilities is required as indicated in California Building Code (CBC) Section 101.17.11. Until such building standards are published in the California Building Standards Code that meet or exceed the requirements of the federal Americans with Disabilities Act, the DSA will encourage and accept construction documents that incorporate the following interim guidelines.

EV charging stations are required to be accessible because they offer a service to the general public. When EV charging stations are provided at a site in addition to regular parking, the EV charging is considered the primary purpose of the charging station. Therefore, accessible EV charging stations are not reserved exclusively for the use of persons with disabilities. The following table shall be used to determine the required number of accessible EV charging stations to be provided at a particular site:

<u>Total Number of EV Charging Stations Provided at a Site</u>	<u>Number of Accessible EV Charging Stations Required</u>
<u>1 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>

The following specifications are applicable to accessible charging stations and equipment:

- a. Per CBC Section 1129B, a 9-foot wide by 18-foot deep space is required with a 5-foot wide loading and unloading access aisle. Additionally, one in every eight accessible charging stations, but not less than one, shall be van accessible with an 8-foot wide loading and

unloading access aisle provided on the passenger side.

- b. The accessible EV charging station and access aisle are not required to be striped or provided with signage as required for an accessible parking space. However, informational signage shall be posted which reads:

PARKING FOR EV CHARGING ONLY
THIS SPACE DESIGNED
FOR DISABLED ACCESS
USE LAST

- c. The charging equipment shall meet all applicable reach range provisions of CBC Section 1118B; in addition, a 36-inch wide clear access to the charging equipment is required.

For installations associated with new construction, CBC Section 1127B.1 indicates that an accessible route of travel shall be provided between buildings and accessible site facilities such as EV charging stations. The accessible EV charging stations shall be located in close proximity to major buildings and site facilities; however, the EV charging stations need not be located immediately adjacent to the buildings and other facilities since EV charging, not parking, is considered the primary purpose of the stations.

For installations at existing facilities, CBC Section 1134B.2 indicates that alteration or addition projects shall comply with all applicable accessibility regulations. These requirements apply only to the area of specific alteration or addition, and include an accessible path of travel connecting the EV charging stations to a major building or site facility. Requirements for improvements at restrooms, telephones, and/or drinking fountains located in the parking lot are applicable only if the features are accessed directly from the parking lot and are designed for use with the parking lot. The provisions of CBC Section 1134B.2.1, exception 1, may be applicable when a determination of unreasonable hardship has been made.

PARKING TICKET DISPENSERS**97-06**

Reference: 2001 California Building Code Sections 1117B.5 & 1129B.1

Effective 12-23-97

Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

~~**Issue:** This interim policy requires parking areas controlled by ticket dispensers to include accessible parking spaces for persons with disabilities outside the controlled area so that these inaccessible dispensers do not create an architectural barrier.~~

~~The California Vehicle Code Section 22511.5 allows any person with a disability, displaying distinguishing placards or special plates, to park in any zone that is restricted in the length of time parking is permitted, and metered parking, such as those restricted by ticket dispensers to allow such persons to park without paying any fees. While most people with disabilities would rather pay the fee in order to be treated equally, it may be necessary to consider this issue in conjunction with developing a solution for a related issue in providing additional uncontrolled parking. DSA is not intending to prevent parking facilities from charging a fee in spite of metered parking being exempted from the fee in statute. While existing parking facilities are somewhat limited with the situation they have, they must programmatically provide solutions that make it possible for persons with disabilities to park without the need to retrieve a ticket from a ticket dispenser. Intercom systems that could call an attendant to raise the gate, or to remotely raise the gate, would seem to be a reasonable programmatic solution.~~

~~Such dispensers are architectural barriers to quadriplegics, some amputees and other persons with reach-range limitations. As a rule, programmatic solutions may not withstand the test of time, and architectural barriers must be solved by architectural solutions. Until regulations are developed, DSA is adopting an interim policy, consistent with the vehicle code and the regulations cited below, which provide a solution to these architectural barriers.~~

~~**Resolution:** To be consistent with Vehicle Code Section 22511.5 and Government Code Section 4450, and especially Section 101.2 of Part 2 of the California Building Code, Title 24, it is necessary to plan review and approve parking facilities which provide at least one accessible van stall outside the restricted area in new construction, and in existing facilities, DSA will require adequate signage indicating a programmatic solution if there is not accessible parking equally available within 200 feet in a nearby facility.~~

Issue: California Building Code (CBC) Section 1129B.1 indicates that accessible parking is required at parking lots and parking structures where parking is provided for the public as clients, guests or employees. However, the CBC does not specifically address ticket dispensers and other equipment used to control parking at these sites which can create barriers for persons with disabilities, particularly those with reach-range limitations.

Resolution: In order to provide accessibility for persons with disabilities when ticket dispensers or other equipment is used to control parking, the DSA encourages and will accept construction documents that indicate a reasonable programmatic solution for providing accessibility at parking facilities under DSA jurisdiction. An example of a programmatic solution would be to provide voice communication at the entrance to the parking facility with an attendant who can remotely provide access. Signage posted at the entrance to the parking facility indicating the programmatic solution shall comply with CBC Section 1117B.5.

TWO-STORY RELOCATABLE CLASSROOM PROJECTS**98-02**

Reference: 2001 California Building Code Sections 1103B.1 & 1116B.1
Americans with Disabilities Act Title II Regulation, 28 CFR Part 35,
Section 35.151(c)

Effective 7-13-98
Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~Two-story relocatable classrooms are considered new construction and require full-size commercial elevators for accessibility.~~

Resolution: ~~This policy will be enforced on a case by case basis; however, DSA will consider the following as acceptable compliance with the California Building Code regulations.~~

~~Each school district utilizing two-story modular, relocatable classrooms must submit in writing to this office, a request for a waiver to use wheelchair lifts in lieu of full commercial elevators on a site by site basis, for review and approval by DSA for the State of California.~~

- ~~1. School district(s) choosing to utilize two-story modular, relocatable classrooms may be allowed to utilize one wheelchair lift only at any one school site as long as there is not more than 3,000 square feet on the upper level two-story classrooms in one single cluster at any one given site. If, after the initial cluster has been erected, the school district(s) place more two-story modular, relocatable classrooms at that given site, the school district(s) agree to utilize full commercial elevators as prescribed by State codes.~~
- ~~2. The school district(s) agree that if they place any more than 3,000 square feet on the upper level two-story modular classroom or any additional cluster, that the school district(s) shall utilize full commercial elevator systems as prescribed by State codes.~~
- ~~3. Should the school district(s) choose to actually relocate any classrooms to a new site, the school district(s) shall conform to all items above.~~
- ~~4. The superintendent or assistant superintendent of the district(s) shall assert that the school has an ADA transition plan that is being funded and which has been aired through public participation, as required by federal law; and attest that all of the above conditions for granting this one-time exception from installing a full-size commercial elevator have been met.~~

Issue: The California Building Code (CBC) Section 1103B.1 indicates that in new construction of multistory buildings, access must be provided by ramp or elevator. Elevator exceptions are provided for certain types of privately funded multistory buildings; however, the Americans with Disabilities Act Title II Regulation, 28 CFR Part 35, Section 35.151(c), indicates that these

exceptions do not apply to facilities constructed by, on behalf of, or for the use of a public entity. Two-story modular relocatable buildings utilized by school districts as classrooms are not specifically mentioned.

Resolution: This interpretation emphasizes the provisions of current federal and state regulations as they apply to new construction of multistory buildings. On projects under DSA jurisdiction, multistory buildings, including two-story modular relocatable classrooms, shall have a ramp or a passenger elevator serving each level. Ramps shall comply with CBC Section 1133B.5 and elevators shall comply with CBC Section 1116B.1.

**ACCESSIBILITY REQUIREMENTS IN
GROUP I OCCUPANCY****98-04**

Reference: 2001 California Building Code Sections 1109B, 1109B.3 & 1114B.1.1

Effective 10-15-98
Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~The general accessibility requirements usually apply throughout a facility, and occupancy enhancements often add specificity. However, for Group I Occupancies, scoping reductions reduce the total number of required accessible patient bedrooms and related toilets.~~

Resolution: ~~The general application of accessibility requirements for new buildings or for renovations, structural repairs, alterations and additions to existing buildings are found in CCR title 24, Part 2, Chapter 11B (California Building Code), Section 1103B.1. Occupancy modifications and/or enhancements, found in subsequent sections, prescribe more detailed requirements for specific applications.~~

~~The specific applications for accessibility for Group I Occupancies (Hospitals, Skilled Nursing and Intermediate Care Facilities) are found in Sections 1109B.1 through 1109B.8. Section 1109B.3, subsections 1 through 3, state that the total number of patient bedrooms and associated toilet rooms that must be accessible for Long-term-care (Skilled Nursing and Intermediate Care) facilities are 50 percent, 10 percent for General-purpose hospital (Acute Care) facilities, and Rehabilitation facilities must have 100 percent accessible patient bedrooms. Specificity is also given in the various sections of 1109B pertaining to requirements for the facility entrance, diagnostic and treatment areas, waiting areas, offices and sanitary facilities, offices and suites, and all public-use and common-use areas. The requirements found in Section 1114B.1 are to be applied to all of these areas.~~

~~The special requirements of Section 1114B.1 need not be applied to those patient bedrooms and associated toilet rooms beyond the percentage of rooms required in Section 1109B.3. To place these requirements on **all** patient rooms and/or associated toilet rooms would in essence be requiring 100 percent patient bedroom accessibility. This is clearly not the intent or specific percentages, as a modification or enhancement to patient bedroom accessibility requirements would not have been given.~~

~~The total number of accessible patient bedrooms is to be applied facility-wide, not necessarily by unit or by floor. However, care must be exercised to have a reasonable disbursement of accessible patient bedrooms throughout the facility.~~

~~Because of other code provisions, it appears that reasonable access or accommodation is generally provided to all patient bedrooms. The doors are 3'-1" or 4'-0" wide to provide the minimum 44" clear exit width required by Section 1019.2. This width is greater than the 32" minimum required for accessibility. Doors are usually easy to open because closures are not required for patient bedrooms, even when located off a rated exit corridor, per Section 1019.3.~~

~~The doors are usually left in an open position when occupied to allow better supervision by nursing staff and cubicle curtains surrounding the bed(s) usually provide privacy.~~

Issue: The California Building Code (CBC) Section 1114B.1.1 contains general accessibility requirements for buildings and facilities. When accessibility is required, CBC Section 1114B.1.1 provides that the design and construction of buildings and facilities meet the minimum requirements of Chapter 11B's Division I, Division II, Division III, and Division IV. CBC Sections 1104B through 1113B include accessibility requirements specific to various building occupancy types, and modify or enhance the general accessibility requirements of CBC Section 1114B.1.1 according to the occupancy type.

In Group I occupancies, the general accessibility requirements of CBC Section 1114B.1.1 appear to require accessibility in all patient bedrooms and associated toilet rooms. However, CBC Section 1109B.3, items 1 through 3, modify the accessibility requirements for patient bedrooms and associated toilet rooms in long-term-care facilities, general-purpose hospitals, psychiatric facilities, detoxification facilities, and rehabilitation facilities. Additionally, various subsections of CBC Section 1109B modify or enhance accessibility requirements at entrances, diagnostic and treatment areas, waiting areas, offices, and associated sanitary facilities in Group I occupancies.

Resolution: On projects under DSA jurisdiction, the percentage of patient bedrooms and associated toilet rooms in Group I occupancies required to be accessible shall be as indicated in CBC Section 1109B.3, items 1 through 3. The total number of required accessible patient bedrooms and associated toilet rooms in a multi-use medical care facility shall be determined using the percentage of rooms required to be accessible in specific patient care units. For example, in an obstetrics unit containing 20 patient bedrooms, 2 patient bedrooms must be accessible; while, in a 20 patient bedroom unit that specializes in treating mobility impairments, all patient bedrooms must be accessible. When additions, alterations or renovations are made to existing buildings or facilities, an effort should be made to provide a reasonable dispersion of accessible patient bedrooms and associated toilet rooms throughout medical care facilities.

ACCESSIBLE SEATING~~S~~ IN FOLDING BLEACHERS UNITS**98-05**

Reference: 2001 California Building Code Section 1104B.3.5

Effective 12-1-98

Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~The California Building Code (CBC) calls for providing accessible seating areas for persons with disabilities in stadiums, multi-purpose rooms, and gymnasiums.~~

~~**Section: 1104B.3.5. / 3103A (b) 2.A (iii)d. Placement of wheelchair locations.** Wheelchair areas shall be an integral part of any fixed seating plan, and shall be arranged so as to provide persons with disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. Each wheelchair area shall adjoin an accessible route, which shall also serve as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seat locations. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location in addition to complying with Section 1104B.3.3. / 3101A (b) 2.A (iii).~~

~~Folding bleachers are a fixed foldable seating system and the wheelchair spaces are usually provided by a cut back in the first rows. Integrated companion fixed seats cannot be obtained in most designs.~~

Resolution: ~~Until more specific regulations are adopted for foldable bleachers, projects will be accepted which have the following features:~~

- ~~1. Next to each wheelchair space, a 60-centimeter (24-inches) by 120-centimeter (48 inch) clear space will be provided for each companion seating area, with signage identifying it on the companion seat.~~
- ~~2. Wheelchair spaces will be identified by the International Symbol of Accessibility on the floor or on the front of the lowest bleacher row in front of space.~~
- ~~3. The number of wheelchair accessible seats shall be dispersed equally for each side (home and visitors) and shall not be clustered into one location on each side.~~

Issue: The California Building Code (CBC) Section 1104B.3.5 indicates that accessible wheelchair seating areas shall be an integral part of any fixed seating plan. Folding bleacher units sometimes used in stadiums, multi-purpose rooms, and gymnasiums are not specifically mentioned.

Resolution: This interpretation emphasizes the provisions of federal and state regulations as they apply to accessible seating in folding bleacher units. Folding bleacher units are fixed seating systems and shall be made accessible for persons with disabilities; for example, accessible wheelchair seating areas are often provided by cut-back areas in the first few rows of bleacher seats. The DSA encourages and will accept construction documents that indicate the following at folding bleacher units:

1. A companion seat is identified next to each wheelchair seating location. The companion seat is a conventional seat integrated into the folding bleacher unit that accommodates a friend or companion.
2. Accessible wheelchair seating areas are identified; for example, the International Symbol of Accessibility is displayed on the floor or on the front of the lowest bleacher row immediately behind the wheelchair area.
3. When the seating capacity exceeds 300, wheelchair seating areas are dispersed throughout the seating areas, and not clustered into one location. At sports-related facilities, wheelchair seating areas are equally divided between the “home” and “visitor” sides of the facility.

ASSEMBLY SEATING**98-07**

Reference: 2001 California Building Code Sections 1104B.3.1 through 1104B.3.8

Effective 12-31-98

Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~There is some confusion related to accessible seating in auditorium, assembly halls, theatres and related facilities. This makes it difficult to establish exactly what types of seats are required. The problem comes about largely because California regulations requiring accessible wheelchair seating existed prior to the 1994 adoption adding language for the Americans With Disabilities Act (ADA).~~

~~It was the intent of DSA/Access Compliance to adopt only the necessary enhancements required by the ADA which were above and beyond the then existing state requirements. Therefore, it is important to know that the text of the regulations were written for no other purpose than to include what was minimally required by the ADA. In adding companion seating requirements and folding arm rests requirements, it is unclear whether these features are combined with, or mutually exclusive of each other.~~

Resolution: ~~The number of wheelchair seating spaces is clearly identified in Table 11B-1 which identifies the number of wheelchair seating spaces for each individual person. A companion seat is required to be adjacent to each individual person seat. Folding armrests are features required by the ADA and are not required by the ADA to be on an accessible route. One percent beyond the number of required wheelchair seating spaces are required to have folding armrests, however, they may be included in the number of semi-ambulance seating spaces being provided.~~

~~One percent of the seats, in addition to the number of required wheelchair spaces, must be required to have at least 24 inches clear leg space in front of the seat to the nearest obstruction. These seats were intended to be provided as a type of seat mutually exclusive of the type of seats with removable armrest. Furthermore, some of the semi-ambulatory seats may be provided with removable armrest to accommodate persons using crutches and walkers. Clustering seats when siteline slopes are greater than 5% is only allowed to be within a given story or mezzanine and does not relieve the project from a need to provide seating in each balcony, mezzanine or floor. In other words, you cannot consolidate seats on one level because this would indicate a highlighted area for persons with disabilities in a discriminatory manner and will not be permitted on projects under DSA/AC jurisdiction.~~

Issue: The California Building Code (CBC) Section 1104B.3 contains provisions related to accessible seating in auditoriums, assembly halls, theaters and related facilities, including requirements for wheelchair seating areas, companion seating, transfer (aisle) seating, and

semi-ambulant seating. It is unclear whether these types of required seating can be combined with one another or are mutually exclusive of each other.

Resolution: This interpretation emphasizes the provisions of current federal and state regulations as they apply to accessible seating in assembly areas. The DSA encourages and will accept construction documents that indicate the following at assembly seating areas:

1. Wheelchair seating areas are provided as shown in Table 11B.1. Wheelchair seating areas are an integral part of the seating plan, so that people using wheelchairs are not isolated from other spectators or their friends and family. These seats shall comply with CBC Section 1104B.3.1 through 1104B.3.7.
2. A companion seat is provided next to each wheelchair seating location. The companion seat is a conventional seat that accommodates a friend or companion. These seats shall comply with CBC Section 1104B.3.5.
3. Transfer (aisle) seating is provided in addition to wheelchair seating locations. At least one percent (but not less than one) of all fixed seats in all seating areas are aisle seats with no armrest, or with removable or folding armrest, on the aisle side. These seats accommodate wheelchair users who wish to transfer to existing seating during an event when fixed seating is provided. These seats shall comply with CBC Section 1104B.3.4, item 1.
4. Semi-ambulant seating is provided in addition to the spaces provided for wheelchair users. At least one percent (but no fewer than two) of all fixed seats in all seating areas provide 24 inches clear leg room from the front edge of the seat to the nearest obstruction or to the seat immediately in front. These seats accommodate people who have a mobility disability but who are not wheelchair users. These seats shall comply with CBC Section 1104B.3.8.

PLAYGROUNDS AREAS**99-02**

Reference: 2001 California Building Code Section 1104B.4.3

Effective 7-1-99

Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~Participation areas are required to be accessible by Section 1104B.4.3 of Part, Title 24 California Code of Regulations. Playgrounds are required to be accessible by this section and by the Americans with Disabilities Act. However, the California Building Standards Code does not provide specificity by indicating on an item by item basis which particular features are required. Additionally, federal agencies are concerned that California playgrounds are often not in strict compliance with Section 504 of the Rehabilitation Act of 1973, which requires play areas, which when viewed in their entirety, to be accessible by teachers, parents and children with disabilities in the most integrated setting.~~

~~The Federal Access Board has developed play setting recommendations for new construction, but these well developed accessibility guidelines are not yet adopted by the US Department of Justice for incorporation into the ADA accessibility guidelines. Playgrounds are required to be accessible to persons with disabilities as part of an ongoing obligation under Title II of the Americans with Disability Act. As a separate issue, the California Building standards Code "triggers" the requirements for accessibility in alterations, additions or in new construction when it occurs.~~

Resolution: ~~Until specific requirements are adopted by the US Department of Justice and incorporated into the State Building Standards Code, DSA/AC will not take issue with playgrounds plans which have been developed consistent with the accessibly guidelines for the Play Setting Subcommittee issued by the Access Board. Generally, playground equipment shall be reviewed during the plan check as part of the review process, and in some cases where the design and type of equipment has not been determined, deferred approvals shall be accepted prior to close out of the project. An accessible route will be required to one of each type of feature available in playground equipment, with engineered wood, properly installed and maintained, roll-out mats, or rubber surfaces deemed to be accessible surfaces. Raised features must be available at grade or by transfer points which lead to elevated areas by way of stepped platforms. All features at grade level must also be accessible, and arrange of play features must be provided (at least one of each type). Related to this policy see the Play Setting Subcommittee Guidelines used as a current standard for this environment.~~

Issue: California Building Code (CBC) Section 1104B.4.3 requires that participation areas, including public play areas, be accessible to persons with disabilities. However, the CBC does not contain scoping or technical provisions for specific play area features. The federal Access Board has developed accessibility guidelines for newly constructed and altered play areas. The play area guidelines are a supplement to the Americans with Disabilities Act (ADA) Accessibility

Guidelines. However, the federal Department of Justice must adopt the guidelines as standards for them to be enforceable under the ADA.

Resolution: Until specific standards are adopted by the federal Department of Justice or published in the California Building Standards Code, the DSA encourages and will accept construction documents which include playground plans and specifications that have been developed in compliance with the ADA Accessibility Guidelines for Play Areas. The play area accessibility guidelines are available on the Access Board web site at <http://www.access-board.gov/play/finalrule.htm>.

The play area accessibility guidelines reference several standards from the American Society for Testing and Materials (ASTM). The guidelines indicate that ground surfaces along accessible paths of travel, clear floor or ground spaces, and maneuvering spaces within play areas shall comply with ASTM F 1951 Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment. If located within use zones, ground surfaces shall also comply with ASTM 1292 Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment.

SELF-EVALUATION AND TRANSITION PLAN**00-01**

Reference: 2001 California Government Code Section 4450, et seq
Americans with Disabilities Act Title II Regulation, 28 CFR Part 35,
Section 35.105 & 35.150

Effective 4-1-00
Revised 2-10-05

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

~~**Issue:** State-funded facilities have to comply with both state and federal accessibility requirements. They must meet the provisions of the California Government Code 4450 and the Americans with Disabilities Act (ADA), whether new or existing. As one of several steps in achieving this goal, ADA Title II requires that all public entities complete a Self-Evaluation and Transition Plan that must outline all work necessary to attain a barrier-free program and facility. The Transition Plan is an important element of ADA compliance and represents the best tool available to evaluate a public entity's compliance status. By completing this plan, a public entity will have demonstrated a good-faith effort towards federal and state accessibility code compliance.~~

~~California Government Code 4450(b) requires DSA/AC to ensure that projects submitted for review meet minimum requirements of the ADA. Since the majority of public entities under DSA/AC jurisdiction have failed to *correctly* complete a Self-Evaluation and Transition Plan, it is necessary to provide a policy to assist them towards a **meaningful** conclusion.~~

~~**Resolution:** All public entities with ADA Title II responsibilities and under the jurisdiction of DSA/AC are required by federal mandate to complete a Self-Evaluation Transition Plan. DSA/AC is not the agency responsible for approving such a plan, however, in order to ensure the most cost/effective allocation of funds to meet federal and state accessibility requirements and to ensure full participation by people with disabilities in public life, it is our belief that the followings steps need to be taken:~~

- ~~1. Appoint a knowledgeable ADA/504 compliance officer responsible for ongoing Title II program compliance and development/implementation of the self-evaluation plan for existing programs and services. Be responsible for maintaining and monitoring the transition plan objectives and timetable. Encourage and maintain public participation and awareness. Respond to enquiries from the public, employees and clients.~~
- ~~2. Create a Disability Advisory Committee (DAC) whose membership will include employees, clients and community participants. The committee should include a broad representation of persons with disabilities.~~
- ~~3. Complete the self-evaluation plan with the DAC. Hold public hearings on the Self-Evaluation Plan, including comment periods as required for adequate public input. Implement all corrective measures related to policies, programs and activities identified by the Self-Evaluation Plan.~~

4. ~~As part of the development of the transition plan survey all facilities, identify architectural barriers, and establish a specific timetable for corrective action with DAC and public participation. Develop a program evaluation plan to ensure program focus and on-time outcomes. Any departure from the requirements of the California Building Standards Code (CBSC) identified in the transition plan should be reviewed and approved in writing by DSA/AC after acceptable equivalent facilitation has been provided, per Government Code 4451 (f).~~
5. ~~Continue to maintain accessibility to all programs, services and facilities, as required by ADA Title II and CBSC.~~

Issue: All facilities under Division of the State Architect (DSA) jurisdiction must meet the provisions of California Government Code Section 4450, as well as, the federal Americans with Disabilities Act (ADA). The ADA Title II Regulation, 28 CFR Part 35, requires public entities to evaluate its current services, policies and practices to ensure persons with disabilities are protected from discrimination on the basis of disability. The ADA Title II Regulation, 28 CFR Part 35, Section 35.150 requires public entities to develop a transition plan for making the necessary structural changes to facilities in order to achieve program accessibility.

Resolution: The DSA completed and published the *Five Phases of Access Compliance* flow chart in April 2004. This document leads State agencies through the Self-Evaluation and Transition Plan process to evaluate program and facility accessibility. It is also an ideal tool to determine the accessibility of a facility prior to relocation. The flow chart can be found on the DSA website at http://www.documents.dgs.ca.gov/dsa/pubs/5phases_accesscompliance.pdf.